

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In Re TERRORIST ATTACKS on  
SEPTEMBER 11, 2001

03 MDL 1570 (RCC)  
ECF Case

*This document relates to:*

*Estate of O'Neill, et al. v. Republic of Iraq, et al.*, 04-CV-1076 (RCC)


**Declaration of Gina MacNeill, Esquire Relating to Taha Al Alwani**

GINA M. MAC NEILL, on this 18<sup>th</sup> day of November, 2005, hereby declares pursuant to 28 United States Code Sec. 1746, and under penalties of perjury, that the foregoing is true and correct:

1. I am an attorney at law, licensed to practice law in the Commonwealth of Pennsylvania, the State of New Jersey, and admitted to practice in the United States District Court for the Southern District of New York.
2. I, along with Jerry S. Goldman, Esquire and others, am attorney of record in the instant matter.
3. On October 14, 2004, a letter was sent to Nancy Luque, Esquire, of Gray Carey, attorney of record for Taha Al Alwani a/k/a Dr. Taha Jabir Al Alwani ("Taha Al Alwani") in the multi-district litigation 03 MDL 1570 (RCC), requesting that defense counsel accept service on behalf of their client.
4. On October 25, 2004, a letter from Jay D. Hanson, Esquire, from Gray Cary, was received by our office in which Mr. Hanson declared that "[w]e are quite certain that the Taha Al Alwani you seek to serve in your case against Iraq is not our client, but rather an Iraqi living and associated with Iraqi governmental affairs,

quite possibly the Mayor of Fallujah, who has his name.” See Exhibit A.

5. On February 2, 2005, I sent out a service package to Mr. Taha Al Alwani, at 1105 Safa Street, Herndon, VA 20170, via Federal Express, tracking #8507 5919 9999, requesting a waiver of service of summons and which included:
  - a. One (1) Notice of Lawsuit and Request for Waiver of Service of Summons (“Notice”);
  - b. Two (2) copies of a Waiver of Service of Summons (“Waiver”);
  - c. Two (2) copies of the Original Complaint;
  - d. Two (2) Copies of the First Amended Complaint;
  - e. Two (2) Copies of the Second Amended Complaint; and
  - f. A Federal Express Return Envelope. See Exhibit B.
6. The package was received on February 7, 2005, according to Federal Express records. See Exhibit C.
7. We did not receive a response from Mr. Taha Al Alwani, or his counsel who was named as attorney of record in the multi-district litigation, 03 MDL 1570(RCC).
8. On July 29, 2005, at 9:25 a.m., personal service was effectuated upon Taha Al Alwani, by Mr. Scott Chapman. A copy of the affidavit of service is hereto attached as Exhibit D.

  
GINA M. MAC NEILL, ESQUIRE  
2 Penn Center Plaza  
1500 JFK Blvd, Ste. 1411  
Philadelphia, PA 19102  
215.569.4500

## GRAYCARY

4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133  
www.graycary.com  
O] 858-638-6769  
F] 858-677-1401

October 25, 2004  
VIA U.S. MAIL AND FACSIMILE (212-346-4665)

OUR FILE NO. 2103638-6

Jerry S. Goldman, Esq.  
Jerry S. Goldman & Associates, P.C.  
111 Broadway, 13th Floor  
New York, NY 10006

Re: In re: Terrorist Attacks on September 11, 2001  
MDL No. 1570  
O'Neill, et al. v. Republic of Iraq, et al.  
04-CV-1076 (RCC)

Dear Mr. Goldman:

This is to follow up my telephone call and email to you today, in response to your letter to my partner Nancy Luque of October 14. We are quite certain that the Taha Al Alwani you seek to serve in your case against Iraq is not our client, but rather an Iraqi living in Iraq and associated with Iraqi governmental affairs, quite possibly the Mayor of Fallujah, who has this name. Please contact me to straighten out this mis-identification issue. My direct telephone is (858) 638-6769.

Very truly yours,

Gray Cary Ware & Freidenrich LLP

  
Jay D. Hanson  
jhanson@graycary.com

Admitted to practice in California

JDH:gw

cc: Nancy Luque  
Cris Beal

Gray Cary\SD\1615462.1  
2103638-6

**LAW OFFICES OF  
JERRY S. GOLDMAN & ASSOCIATES, P.C.**

A NEW YORK PROFESSIONAL CORPORATION DULY QUALIFIED TO TRANSACT  
BUSINESS WITHIN THE COMMONWEALTH OF PENNSYLVANIA

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111 BROADWAY • 13<sup>TH</sup> FLOOR  
NEW YORK, NY 10006  
TEL: 212.242.2232 • FAX: 212.346.4665

3109 STIRLING ROAD • SUITE 101  
FORT LAUDERDALE, FL 33312  
TEL: 954.981.6533 • FAX: 954.989.8068

Reply To: PHILADELPHIA

February 1, 2005

**Via Federal Express**

Taha al'Alwani a/k/a Dr. Taha Jaber al'Alwani  
1105 Safa Street  
Herndon, VA 20170-2326

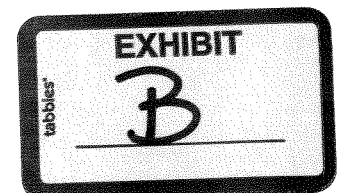
**Re: *In re Terrorist Attacks of September 11, 2001*  
03 MDL 1570 (RCC)  
*Estate of John P. O'Neill, et al. v. Republic of Iraq, et al.*  
04-CV-1076 (RCC)**

Dear Mr. al'Alwani:

Enclosed please find the following documents relating to the above-referenced case:

1. One (1) Notice of Lawsuit and Request for Waiver of Service of Summons ("Notice");
2. Two (2) copies of a Waiver of Service of Summons ("Waiver");
3. Two (2) copies of the Original Complaint;
4. Two (2) Copies of the First Amended Complaint;
5. Two (2) Copies of the Second Amended Complaint; and
6. A Federal Express Return Envelope.

Please be sure to review all enclosed materials carefully, as they relate to a legal matter, as explained in the enclosed Notice and Waiver.




February 1, 2005

Page 2

If you have any questions or comments, please feel free to contact me.

Very truly yours,

LAW OFFICES OF JERRY S. GOLDMAN &  
ASSOCIATES, P.C.

By:   
GINA M. MAC NEILL, ESQUIRE

GMM:jf

Enc. a/s

cc: Jerry S. Goldman, Esquire

**FedEx** <sup>®</sup> **US Airbill**FedEx  
Tracking  
Number

8507 5919 9999

1 From Please print and press hard

Date 2/2/05

Sender's FedEx  
Account Number

2529-5006-0

Sender's Name

Jerry S. Goldman, Esq. Phone (215) 569-4500

Company

GOLDMAN, JERRY S. LAW OFFICES

Address

1500 JFK BLVD STE 1411

City PHILADELPHIA

State PA

ZIP 19102-1749

Dep./Floor/Suite/Room

2 Your Internal Billing Reference

O'Neill

INTERNAL

3 To

Recipient's  
Name

Taha al'Alwani a/k/a

Company

Dr. Taha Jaber Al'Alwani

Recipient's  
Address

1105 Safa Street

We cannot deliver to P.O. boxes or P.O. ZIP codes.

Address

To request a package be held at a specific FedEx location, print FedEx address here.

City Herndon

State VA

ZIP 20170-2326

Dep./Floor/Suite/Room

Try online shipping at [fedex.com](http://fedex.com)By using this Airbill you agree to the service conditions on the back of this Airbill  
and in our current Service Guide, including terms that limit our liability.Questions? Visit our Web site at [fedex.com](http://fedex.com)  
or call 1.800.GoFedEx 1.800.463.3339

0215

SPH32

Sender's Copy

## 4a Express Package Service

☐ Next Business Morning☐ Next Business Day☐ Second Business Day\*☐ FedEx 2Day☐ FedEx Express Saver☐ FedEx 1Day Freight\*☐ Next Business Day\*☐ FedEx 2Day Freight☐ Second Business Day\*☐ FedEx 3Day Freight☐ Third Business Day\*☐ FedEx Envelope\*☐ FedEx Pak\*☐ Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sure Pak☐ FedEx Box☐ FedEx Tube☐ Other☐ Declared value limit \$500☐ Packages over 150 lbs.☐ To meet localities☐ Earlier next business morning☐ delivery to select locations\*☐ Packages up to 150 lbs.☐ To meet localities☐ Earlier next business morning☐ delivery to select locations\*☐ Packages up to 150 lbs.☐ To meet localities☐ Earlier next business morning☐ delivery to select locations\*☐ Packages up to 150 lbs.☐ To meet localities☐ Earlier next business morning☐ delivery to select locations\*☐ Packages up to 150 lbs.☐ To meet localities☐ Earlier next business morning☐ delivery to select locations\*☐ Packages up to 150 lbs.☐ To meet localities☐ Earlier next business morning

## 5 Packaging

☐ FedEx Envelope\*☐ FedEx Pak\*☐ Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sure Pak☐ FedEx Box☐ FedEx Tube☐ Other☐ Declared value limit \$500☐ Packages over 150 lbs.☐ To meet localities☐ Earlier next business morning☐ delivery to select locations\*☐ Packages up to 150 lbs.☐ To meet localities☐ Earlier next business morning☐ delivery to select locations\*☐ Packages up to 150 lbs.☐ To meet localities☐ Earlier next business morning

## 6 Special Handling

☐ Available ONLY for FedEx 1Day, 2Day, 3Day, and 4Day services☐ Freight to select ZIP codes☐ Does this shipment contain dangerous goods?☐ One box must be checked☐ No☐ Yes☐ As per attached Shipper's Declaration☐ Shipper's Declaration☐ Dry Ice☐ Dry Ice 3, UN 1845☐ Cargo Aircraft Only☐ X☐ kg☐ 7 Payment Bill to:☐ Sender☐ Recipient☐ Third Party☐ Credit Card

## 8 Sign to Authorize Delivery Without a Signature

☐ Sender☐ Recipient☐ Third Party☐ Credit Card☐ Cash/Check☐ FedEx Use Only☐ Signature☐ Signature☐ Signature☐ Signature☐ Signature☐ Signature☐ Signature☐ Signature☐ Signature☐ Signature☐ Signature☐ Signature

PULL AND RETAIN THIS COPY BEFORE AFFIXING TO THE PACKAGE.



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Tracking number  
Signed for by  
Ship date  
Delivery date850759199999  
Signature release on file  
Feb 2, 2005  
Feb 7, 2005 9:18 AMReference  
Delivered to  
Service type  
WeightO'NEILL  
Residence  
Standard Pak  
5.0 lbs.

Status

Delivered

## You can also track:

- By TCN
- FedEx Trade Networks shipments
- By Email Track
- By FedEx Wireless Solution

Date/Time

Activity

Location

Details

Feb 7, 2005

9:18 AM Delivered

Left at front door. No signature required  
- release waiver on file

Feb 4, 2005

7:37 AM On FedEx vehicle for delivery

HERNDON, VA

5:05 PM At local FedEx facility

HERNDON, VA

12:07 PM Delivery exception

HERNDON, VA

Customer not available or business  
closed

Feb 3, 2005

7:11 AM On FedEx vehicle for delivery

HERNDON, VA

3:38 PM At local FedEx facility

HERNDON, VA

10:39 AM Delivery exception

HERNDON, VA

Customer not available or business  
closed

7:02 AM On FedEx vehicle for delivery

HERNDON, VA

6:50 AM At local FedEx facility

HERNDON, VA

5:17 AM At dest sort facility

DULLES, VA

12:32 AM Arrived at FedEx location

NEWARK, NJ

Feb 2, 2005

11:50 PM Package data transmitted to  
FedEx

9:15 PM Left origin

PHILADELPHIA, PA

6:33 PM Picked up

PHILADELPHIA, PA

## Wrong Address?

Reduce future mistakes by using FedEx  
Address Checker.

## Shipping Freight?

FedEx has LTL, air freight, surface  
air expedited freight, multi piece pa  
deliveries, and ocean freight.

Signature proof

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Email your detailed tracking results (optional)

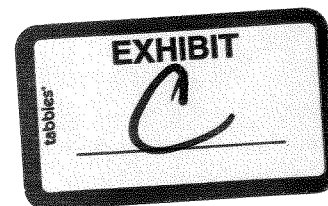
Enter your email, submit up to three email addresses (separated by commas), add your  
message (optional), and click **Send email**.

From

To

Add a message to this email.

Send email





IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Estate of John P. O'Neill et al  
Plaintiff(s)

Case Number: 04cv1076(RCC)

vs

The Republic of Iraq et al  
Defendant(s)


AFFIDAVIT OF SERVICE

I, Scott Chapman, hereby certify that on July 29, 2005 at 9:26 AM, I executed service of process upon **TAHA AL ALWANI AKA DR. TAHA JABIT AL'ALWANI** at 1105 Safa Street, Herndon, VA 20170 by delivering to and leaving with personally, copies of Summons and Complaint.

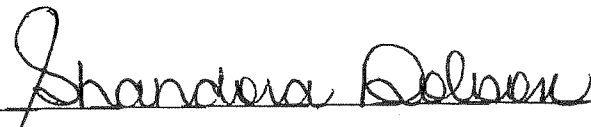
Taha Al Alwani aka Dr. Taha Jabit Al'Alwani is described as a Middle Eastern Male, approximately 5' 7" tall, 200-225 pounds, Brown eyes, Grey, balding hair, and 54 years of age. The undersigned further certifies that my place of business is: 331 8th Street, NE, Washington, DC 20002; that I am 24 years of age, Date of Birth 3/11/1981; and that I am not a party to this action.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing information is true and correct. Executed on August 4, 2005.

Date August 4, 2005.

  
\_\_\_\_\_  
Scott Chapman

WASHINGTON, THE DISTRICT OF COLUMBIA  
Subscribed and sworn to before me on August 4, 2005.

  
\_\_\_\_\_

My Commission Expires:

Shandora Dobson  
Notary Public, District of Columbia  
My Commission Expires 12-14-2008

Ref.# 63285

